

Application No. 10/642,249

MXIC 1553-3
(P920080US2)**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being ~~facsimile~~
transmitted to United States Patent and Trademark Office at Fax No. 571.273.8300 on 03 February 2006.



Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Inventors:

Chih Chieh Yeh et al.

Application No.: 10/642,249

Confirm. No.: 1545

Filed: 15 August 2003

Title: **Method for Programming
Programmable Eraseless Memory**

Examiner: Douglas W. Owens

Group Art Unit: 2811

Customer No. 22470

RECEIVED
CENTRAL FAX CENTER

FEB 03 2006**MAIL STOP PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 223131-1450

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM UNDER 35 U.S.C. §119(e)

Sir:

This Petition is being submitted pursuant to 37 CFR § 1.78(a)(6) for acceptance of an unintentionally delayed claim under 35 U.S.C. §119(e).

The reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section is satisfied by the submission of an *Application Data Sheet* herewith.

The required surcharge set forth in 37 C.F.R. §1.17(t) of \$1,370 is enclosed herewith.

The undersigned hereby declares that the entire delay between the date the claim was due under 37 C.F.R. 1.78 (a)(5)(ii) and the date the claim was filed was unintentional.

REMARKS

This application was filed on 15 August 2003. At the time of the filing of the application, the specification of the application contained the following paragraph:

REFERENCE TO RELATED APPLICATION

The present application claims the benefit of Provisional U.S. Patent Application No. 60/_____, entitled PROGRAMMABLE RESISTOR ERASELESS MEMORY, invented by Yeh, et al., and

02/06/2006 EFLORES 00000040 10642249

01 FC:1454

1370.00 0P

Page 1 of 2

PAGE 2/8 * RCVD AT 2/3/2006 2:00:04 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/30 * DNIS:2738300 * CSID:6507120263 * DURATION (mm:ss):01:36

Feb. 3. 2006 12:02PM

RECEIVED
CENTRAL FAX CENTER
FEB 03 2006

No. 0671 P. 1

HAYNES BEFFEL & WOLFELD LLP

INTELLECTUAL PROPERTY LAW

P.O. Box 366, 751 Kelly Street

Half Moon Bay, CA 94019

Phone 650 712 0340 Fax 650-712-0263

www.HMBay.com

MARK HAYNES
ERNIE BEFFEL
WARREN WOLFELD
JIM MANN

Of Counsel:
*RILL KENNEDY
KENTA SUZUE
PETER SU
**JOSEPH E. ROCYL

*admitted in MA only
**admitted in NY only

FACSIMILE TRANSMITTAL FORM

FAX NUMBER:	(571) 273-8300
TRANSMITTED TO:	Central Fax
OF:	U.S. Patent and Trademark Office
FROM:	Mark A. Haynes/Kathryn Marley
CLIENT/MATTER:	MXIC 1553-3 (10/642,249)
DATE:	03 FEBRUARY 2006

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET:	8
---	---

ORIGINAL:	
<input checked="" type="checkbox"/>	WILL NOT FOLLOW
<input type="checkbox"/>	FOLLOWS VIA U.S. MAIL.
<input type="checkbox"/>	FOLLOWS VIA COURIER

THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN INFORMATION FROM HAYNES BEFFEL & WOLFELD LLP AND ARE FOR THE SOLE USE OF THE ABOVE INDIVIDUAL OR ENTITY, AND MAY BE PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER LAW. ANY OTHER DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE IF YOU ARE NOT THE INTENDED RECIPIENT AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOUR REASONABLE PHONE AND POSTAGE EXPENSE FOR DOING SO.

Application No. 10/642,249

MXIC 1553-3
(P920080US2)

filed on 21 July 2003 (converted application number 10/_____
from non-provisional status to provisional status).

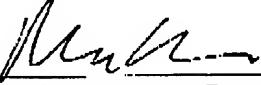
When applicant finally received the *Decision Granting Request to Convert to Provisional* mailed 13 April 2004, and the serial number for the parent provisional application after conversion from utility to provisional on 14 April 2004, applicant failed to amend the specification to reflect the appropriate provisional application number within the 16-month time period which ended on 15 December 2004. Applicant did submit an amendment to add the serial number on 14 April 2005, but has now realized the submission was not timely as required by 37 C.F.R. §1.78(a)(5)(i).

The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (MXIC 1553-3). A copy of this authorization is enclosed.

Respectfully submitted,

HAYNES BEFFEL & WOLFELD LLP

Date: 3 February 2006

By: 
Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
Telephone: 650-712-0340
Facsimile: 650-712-0263